

## **CHAPTER 4.9 ADDITIONAL PROVISIONS**

### **Section 4.9.10 - PURPOSES**

Some types of uses have special development standards to improve their compatibility with surrounding land uses. In certain other situations, there are exceptions to the regulations not addressed elsewhere in the Code. This chapter includes special development standards for manufactured homes on individual lots, minor utilities, accessory dwelling units in residential zones, wireless telecommunication facilities, and commercial day care and school facilities. The chapter also includes exceptions to building heights and projections, and housing type variation requirements per residential zone.

### **Section 4.9.20 - MANUFACTURED HOME DESIGN STANDARDS**

Manufactured homes as defined in Chapter 1.6 - Definitions are allowed in all residential zones. Manufactured homes placed on individual lots shall meet the following criteria:

- a. Multi-sectional structure (e.g., double-wide, 2-story, or "L"-shaped) and enclosing a floor area of not less than 1,000 sq. ft.;
- b. Backfill style foundation or skirting of pressure-treated wood, masonry, or continuous concrete footing wall construction, complying with the minimum set-up standards of the adopted Manufactured Dwelling Administrative Rules, Chapter 918;
- c. Pitched roof with a minimum 3 ft. in height for each 12 ft. in width;
- d. Non-reflective siding and roofing;
- e. Manufacturer's certification that exterior thermal envelopes meet performance standards specified by State law for single-family dwellings constructed under the State One and Two Family Dwelling Specialty Code;
- f. Garage or carport with exterior materials the same as the main unit; and
- g. Comply with the provisions of Chapter 4.10 - Pedestrian Oriented Design Standards.

### **Section 4.9.30 - MINOR UTILITIES**

Minor utilities (as defined in Chapter 3.0 - Use Classifications) require Conditional Development approval in accordance with Chapter 2.3 - Conditional Development when placed in a residential zone, or Plan Compatibility Review in accordance with Chapter 2.13 - Plan Compatibility Review when located in a commercial zone. In addition to complying with these review criteria, minor utilities shall meet the following siting standards:

- a. The setback from the base of a minor utility structure to any lot in an adjoining residential zone shall be at least 20 percent of the structure height.
- b. If scientifically validated evidence demonstrates the level of electric magnetic fields (EMFs) produced by the minor utility poses a health hazard based on nationally accepted standards, the City Council may require removal of the minor utility after conducting a public hearing in accordance with Chapter 2.0 - Public Hearings.

**Section 4.9.40 - ACCESSORY DWELLING UNITS IN THE RS-3.5, RS-5, RS-6, RS-9, AND RS-9(U) ZONES**

Accessory dwelling units (ADUs) constructed between March 14, 1996 and April 30, 1998 in accordance with Code provisions in effect at that time shall be recognized as legal conforming uses and structures. ADUs constructed after April 30, 1998 shall be recognized as legal conforming uses and structures if they were constructed in accordance with standards in this section. To be considered legal conforming uses and structures, ADUs also shall be constructed with applicable building permits and follow established City procedures.

In addition to complying with the specific requirements of the zone, ADUs are subject to special development provisions. The developer can choose to develop the ADU in accordance with the Ministerial Development Option or the General Development Option listed below.

**4.9.40.01 - Ministerial Development Option**

Accessory dwelling units (hereafter called ADUs) under this option shall meet the following standards:

- a. The owner of the lot shall occupy either the principal residence or the ADU;
- b. Provisions made for drainage, water, and sewage waste shall meet City and Building Code standards;
- c. The ADU shall meet all applicable City codes (e.g., setback standards for the primary residence, height standards, building code provisions, etc);
- d. The lot requirements (width, depth, etc.) on which the principal residence and the ADU are located shall be met;
- e. The ADU shall be architecturally integrated with the primary dwelling unit through the use of the following:
  - 1. **Roofs** - New roofs shall be similar to those on the primary structure in the pitch of roof (+/- 10 degrees) and width of roof overhang (+/- 20 percent). Roof materials shall be the same as on the primary residence. Where multiple roof pitches are proposed, roof pitch

compliance can also be met if the majority of roof area meets the above standard and the remaining area has a slope of 4:12 or greater;

2. **Building Materials for Exterior Walls** - New walls shall be constructed of the same materials and in the same pattern as exist on the primary residence;
  3. **Window Appearance** - New windows shall be the same size and type, and with the same window trim, as exist on the majority of all windows on the primary residence. This provision can be waived to accommodate the following:
    - (a) The "View Windows" criterion listed below; or
    - (b) The window is interior to the lot but its size, type, and trim match any minority window on the primary residence.
  4. **View Windows** - Second-story windows facing the nearest side yard shall use opaque glass or, if clear glass, the bottom of the window shall be 5 ft. or more above floor elevation. This provision does not apply when the windows face an abutting garage or building wall where no windows exist;
  5. **Color** - ADUs shall have the same color of siding, trim, and roof as exists on the primary structure; and
  6. **Balconies** - Balconies on the second floor or higher are permitted only if outside a setback area and facing the nearest side yard. This provision does not apply when the balcony faces an abutting garage.
- f. The ADU shall not exceed either 40 percent of the gross floor area of the primary structure (exclusive of garages), or the gross floor area of a two-car garage (480 sq. ft.), whichever is greater, but in no case shall the ADU exceed 900 sq. ft.;
- g. **Entrance Door** - The primary entrance door to a detached ADU shall be located 5 ft. or more toward the interior of the lot from the abutting side yard setback lines. The extra 5-ft. setback is not required when an existing or created screen is located between the ADU and the property line. The screen needs to be at least 80 percent opaque to a height of at least 6 ft. with the intent of interrupting a line of sight toward the first-floor windows and toward the yard area on abutting properties;
- h. **Walkways** - Walkways to the primary entrance door of an ADU shall maintain at least a 5-ft. separation from the side property line. This provision does not apply if an existing or proposed screen is located between the ADU

and the property line. The screen shall be at least 80 percent opaque to a height of at least 6 ft. to interrupt a line of sight toward the first-floor windows and toward the yard area on abutting properties;

- i. If the parking requirement for the primary dwelling unit is met, no additional off-street parking needs to be provided for the ADU. However, should off-street parking be provided, the parking area shall not be located within any required front or side yard;
- j. A garage may be converted to an ADU if the off-street parking requirement for the primary dwelling unit is met and the structure conforms to all required setbacks of the primary residence;
- k. In the RS-3.5 and RS-5 zones, the minimum lot area to establish an ADU shall be 8,000 and 6,000 sq. ft, respectively;
- l. In the RS-6, RS-9, and RS-9(U) zones, the minimum lot area to establish an ADU shall be 3,500 sq ft. for a detached unit and 2,500 sq. ft. for an attached unit;
- m. Prior to issuance of a building permit for an ADU, the City shall require that a deed restriction be recorded on the property. The deed restriction shall state that, as a condition for the issuance of the building permit for the ADU, the property owner must reside on the premise or the ADU may not be used as a residence; and
- n. Only one ADU shall be allowed on a lot or contiguous lots under one ownership.

#### **4.9.40.02 - General Development Option**

Accessory Dwelling Units under this option shall meet the following standards.

##### **4.9.40.02.01 - Purpose**

This option is intended to minimize compatibility concerns related to ADUs with respect to architecture, window design, primary entry door location and the related walkway to this door, while facilitating the development of ADUs. The following provisions implement related Comprehensive Plan policies.

##### **4.9.40.02.02 - Procedures**

When an ADU development application is filed using the General Development Option, it shall be reviewed in accordance with the procedures specified in Chapter 2.13 - Plan Compatibility Review. However, the criteria for review shall be those specified in section 4.9.40.02.03 below.

#### 4.9.40.02.03 - Review Criteria

In addition to complying with the specific requirements of the zone, ADUs are subject to the following provisions:

- a. The owner of the lot must occupy either the principal residence or the ADU;
- b. Adequate provisions shall be made for drainage, water, and sewage waste;
- c. The ADU shall meet all applicable City codes (e.g., setback standards for the primary residence, height standards, building code provisions, etc.);
- d. The lot requirements (width, depth, etc.) on which the principal residence and the ADU are located shall be met;
- e. The ADU shall be architecturally integrated with the primary dwelling unit through the use of the following:
  - 1. **Roofs** - New roofs shall be similar in pitch, overhang, and materials to that of the primary residence;
  - 2. **Building Materials for Exterior Walls** - New walls shall be constructed of materials and patterns similar in appearance to those on the primary residence;
  - 3. **Windows** - New windows and window trim shall be similar in appearance to those on the primary residence unless variations are needed to protect the privacy of abutting properties; and
  - 4. **Color** - ADUs shall have the similar color of siding, trim, and roof as exists on the primary structure.
- f. The ADU shall not exceed either 40 percent of the gross floor area of the primary dwelling unit (exclusive of garages), or the gross floor area of a two-car garage (480 sq. ft.), whichever is greater, but in no case shall the ADU exceed 900 sq. ft.;
- g. The entrance to the ADU shall be oriented or appropriately buffered to protect the privacy of, and otherwise minimize impacts to, adjacent properties;
- h. If the parking requirement for the primary dwelling unit is met, no additional off-street parking needs to be provided for the ADU.

However, should off-street parking be provided, the parking area shall not be located within any required front or side yard;

- i. A garage may be converted to an ADU provided that the off-street parking requirement for the primary dwelling unit is met and the structure conforms to all required setbacks of the primary residence;
- j. In the RS-6 Zone, the minimum lot area to establish an ADU shall be 6,500 sq. ft.;
- k. In the RS-9 and RS-9(U) zones, the minimum lot area to establish an ADU shall be 5,000 sq. ft.;
- l. Prior to issuance of a building permit for an ADU, the City shall require that a deed restriction be recorded on the property. The deed restriction shall state that, as a condition for the issuance of the building permit for the ADU, the property owner must reside on the premise or the ADU may not be used as a residence; and
- m. Only one ADU shall be allowed on a lot or contiguous lots under one ownership.

## **Section 4.9.50 - EXCEPTIONS TO BUILDING HEIGHTS AND PROJECTIONS**

### **4.9.50.01 - General Exceptions to the Building Height Limitations**

Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, and other similar objects (excluding flagpoles and wireless telecommunications facilities) not used for human occupancy are subject to the height limitations specified in each zone. Such structures exceeding a zone's height limitations may be permitted subject to Chapter 2.13 - Plan Compatibility Review, and upon a finding by the State of Oregon Aeronautics Division that the proposed structure does not pose a hazard to air traffic.

Flagpoles are subject to section 4.7.70.b of Chapter 4.7 - Sign Regulations, which limits their height to 20 ft. or 110 percent of the maximum height of a primary structure, whichever is greater. Wireless telecommunication facilities are subject to section 4.9.60 below.

### **4.9.50.02 - Projections from Buildings**

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, fireplaces, and flues may project up to 3 ft. into a required yard, provided that a minimum 30-in. setback is maintained from any property line. Larger encroachments into front yard areas are allowed in residential zones, as specified in those zoning chapters of this Code. However, no architectural features shall be located within a vision clearance area as defined in section 4.1.40 of Chapter 4.1 -

Parking, Loading, and Access Requirements. For the purposes of this section, "architectural features" shall not include any portion of a structure built for the support, conveyance, occupancy, shelter, or enclosure of persons, chattels, or property of any kind.

## **Section 4.9.60 - WIRELESS TELECOMMUNICATION FACILITIES**

### **4.9.60.01 - Siting Criteria and Review Procedures**

Wireless telecommunication facilities (as defined in Chapter 3.0 - Use Classifications) may be permitted outright, may require Plan Compatibility Review in accordance with Chapter 2.13 - Plan Compatibility Review, or may require Conditional Development approval in accordance with Chapter 2.3 - Conditional Development, depending on the type of facility (colocated/attached or freestanding) and its proposed location. Uses that are permitted outright require building permits only.

All facilities in the Willamette River Greenway Zone Overlay are subject to the provisions of Chapter 3.30 - Willamette River Greenway (WRG) Zone Overlay. All facilities in the Historic Preservation Zone Overlay are subject to the provisions of Chapter 2.9 - Historic Preservation Provisions. All wireless telecommunication facilities and their related appurtenances located in areas with a Planned Development Overlay (except residential zones) are exempt from the requirements to have an approved Conceptual Development Plan and/or Detailed Development Plan in accordance with sections 2.5.40 and 2.5.50 of Chapter 2.5 - Planned Development. Facilities proposed for location in residential zones with a Planned Development Overlay shall be treated as a minor modification to the approved Conceptual and/or Detailed Development Plan, and processed accordingly.

### **4.9.60.02 - Standard Requirements**

All wireless telecommunication facilities must demonstrate compliance with the following standard requirements prior to a City-required final inspection. Only alternative setbacks and spacing requirements are allowed, provided they are approved under the Conditional Development process in accordance with Chapter 2.3 - Conditional Development.

- a. **Height** - No wireless telecommunication facility shall exceed 150 ft. in height except where attached to an existing structure that exceeds 150 ft. in height and the attached antennas do not increase the total height of that structure. All wireless telecommunication facilities are exempt from the provisions in section 4.9.50. Additional height limitations are defined under allowed uses for individual development zones (chapters 3.1 through 3.37).

**b. Setbacks**

1. Setbacks for freestanding wireless telecommunication facilities, including associated ground-level equipment, are as follows:
  - (a) A facility shall be set back by a distance greater than or equal to two times the height of the facility structure, including attached antennas, from the nearest property line of any property that either contains an existing residential use or is located in a residential development zone.
  - (b) A facility located on a site adjacent to the Corvallis Gateway Corridor (defined as the right-of-ways of highways 99W and 20/34 that are within the Corvallis city limits), shall be set back from the right-of-way by a distance greater than or equal to three times the height of the facility structure, including attached antennas.
  - (c) All said facilities shall comply with the setback requirements of the underlying development zone.
2. Ground-level equipment associated with colocated/attached wireless telecommunication facilities shall meet the setback requirements of the underlying development zone. When the ground-level equipment is on a site abutting a residential zone or an existing residential use, this equipment shall be set back from the nearby residential property line(s) by at least 25 ft.

**c. Spacing**

1. A facility greater than or equal to 100 ft. in height, including attached antennas, must be separated from other freestanding wireless telecommunication facilities by at least 3,000 ft.
2. A facility between 51 and 99 ft. in height, including attached antennas, must be separated from other freestanding wireless telecommunication facilities by at least 1,500 ft.
3. A facility under 51 ft. in height, including attached antennas, must be separated from other freestanding wireless telecommunication facilities by at least the height of the facility's structure.

**d. Colocation**

1. A freestanding wireless telecommunication facility shall be approved only if the applicant demonstrates that it is not feasible to site the facility on an existing structure. The application shall document that



alternative sites within a radius of least 2,000 ft. have been considered and are technologically unfeasible or unavailable. The application also must document why colocation is impractical on existing structures for one or more of the following reasons: structural support limitations, safety considerations, lack of available space, failure to meet service coverage area needs, or unreasonable economic constraints.

2. Freestanding wireless telecommunication facilities shall be designed to accommodate future colocation, as follows:
  - (a) Facilities up to 120 ft. in height shall accommodate at least two facilities/providers.
  - (b) Facilities between 120 ft. and 150 ft. in height shall be designed to accommodate at least three facilities/providers.
- e. **Compliance with Emission Standards** - All facility applications shall contain documentation showing that the emissions of the proposed facility, and the cumulative emissions of this facility and any colocated or nearby facilities, will meet the occupational/controlled and general population/uncontrolled electromagnetic radiation emission standards established by the Federal Communications Commission, 47 CFR §1.1310.
- f. **Painting** - All facilities shall be painted in a non-reflective color to match the existing or attached structure and/or to blend into the surrounding environment. Alternative neutral colors may be approved by the Director.
- g. **Landscaping/Screening** - All ground-level facilities shall be screened in accordance with the provisions of section 4.2.50 of Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.
- h. **Noise Reduction** - All applications shall contain documentation showing that the noise levels from the proposed facility will meet the following standards:
  1. A facility located on a site adjacent to a residential development zone or existing residential uses must limit noise levels to 35 dBA or less, as measured at the residential property line(s).
  2. A facility located on any other site must comply with the industrial and commercial quiet-area noise standards established by the Oregon State Department of Environmental Quality, OAR 340-35-035, Table 9.
- i. **Lighting** - No lighting of wireless telecommunication facilities is allowed, except as required by the Federal Aviation Administration (FAA). Required

lighting shall be shielded from the ground, to the extent practicable. The application for a facility subject to FAA requirements shall document compliance with FAA requirements.

- j. **Signage** - Warning and safety signs, up to 3 sq. ft. in area, are allowed. All other signs are prohibited.
- k. **Site Access** - Site access is subject to the provisions of section 4.1.40 of Chapter 4.1 - Parking, Loading, and Access Requirements. The facility operator shall implement measures to prohibit unauthorized site access.
- l. **Decommissioning** - A facility shall be removed by the facility owner or operator within six months from the date the facility ceases to be operational. The Director may grant a 6-month extension to this requirement. Requests for extensions must be in writing and must be received by the Director within the initial 6-month period. The property owner shall bear the ultimate responsibility for removal of decommissioned facilities.

## **Section 4.9.70 - COMMERCIAL DAY CARE AND SCHOOL FACILITY REGULATIONS**

### **4.9.70.01 - Area Per Child**

A minimum of 2,500 sq. ft. of outdoor play area shall be provided for 15 or fewer children, with 75 additional sq. ft. provided for each additional child. Any such play area within or abutting a residential zone or residential land uses shall be enclosed by a decorative wood fence or masonry wall, and shall have a minimum width of 5 ft. of landscape screening in accordance with the landscape screening provisions in Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. The height of such fencing and landscape screening shall be a minimum of 6 ft. Where access to commercial day care facilities is provided by other than local streets, an off-street vehicular bay or driveway shall be provided for the purpose of loading and unloading children. There shall be an indoor floor space reserved for play and/or school purposes of 40 sq. ft. per child.

## **Section 4.9.80 - HOUSING TYPE VARIATION REQUIREMENTS PER RESIDENTIAL ZONE**

A variety of housing types shall be provided for residential developments, in accordance with the provisions outlined in Table 4.9-1 beginning on the next page.

<b>Table 4.9-1</b> <b>ALLOWED HOUSING TYPES BY ZONE</b>							
<b>BUILDING TYPES, PER CHAPTER 1.6</b>	<b>ALLOWED HOUSING TYPES BY ZONE</b>						<b>HOUSING TYPES TO BE USED TO SATISFY VARIATION REQUIREMENTS (CHOOSE FROM THIS LIST TO MEET HOUSING VARIATION REQUIREMENTS)</b>
	<b>RS- 3.5</b>	<b>RS- 5</b>	<b>RS-6</b>	<b>RS-9 &amp; RS-9(U)</b>	<b>RS-12 &amp; RS-12(U)</b>	<b>RS-20</b>	<b>MUR</b>
Detached Single-Family							
							<b>1.</b> Detached SF $\leq$ 1,200 sq. ft.
							<b>2.</b> Detached SF $>$ 1,200 sq. ft.
Detached Single-Family (Zero Lot Line)							
							<b>3.</b> Detached SF $\leq$ 1,200 sq. ft.
							<b>4.</b> Detached SF $>$ 1,200 sq. ft.
Accessory Dwelling Unit							<b>5.</b> Accessory Dwelling
Attached Single-Family (Zero Lot Line) (2 units)							<b>6.</b> Attached Single-Family (2 units) (ea. unit on an individual lot)
Duplex							<b>7.</b> Duplex units
Attached (more than 2 units)							<b>8.</b> Dwellings with 3-5 units (each unit on an individual lot or each unit individually owned within a multi-unit structure)*.
							Townhouses, Rowhouses, Flats, Condominiums.
							* RS-5 Zone limited to a max. of 3 attached units per structure
							<b>9.</b> Dwellings with $>$ 5 units (each unit on an individual lot or each unit with an individual ownership within a multi-unit structure).
							Townhouses, Rowhouses, Flats, Condominiums

Table 4.9-1 ALLOWED HOUSING TYPES BY ZONE							
BUILDING TYPES, PER CHAPTER 1.6	ALLOWED HOUSING TYPES BY ZONE						HOUSING TYPES TO BE USED TO SATISFY VARIATION REQUIREMENTS (CHOOSE FROM THIS LIST TO MEET HOUSING VARIATION REQUIREMENTS)
	RS- 3.5	RS- 5	RS-6	RS-9 & RS-9(U)	RS-12 & RS-12(U)	RS-20	MUR
Multi-Dwelling							10. Triplexes and fourplexes (each unit not individually owned)*  * RS-5 Zone limited to triplexes
Multi-Dwelling, continued							11. Apartment buildings with > 4 units (each unit not individually owned)
OPTION B for RS-12, RS-12(U), and 20 zones							Minimum of three types of apartment buildings in terms of number of units per building (must vary by at least 2 units). Each type shall comprise at least 10 percent of the buildings (e.g., may have a combination of buildings with 8, 10, and 12 units/building, etc.)
							Minimum of two types of units in terms of number of bedrooms and each type shall comprise at least 25 percent of the total number of units: Dwelling units with ≤ 1 bedroom Dwelling units with 2 bedrooms Dwelling units with ≥ 3 bedrooms

**For RS-3.5, RS-5, RS-6, RS-9, and RS-9(U) zones:** Darker shading indicates permitted housing and building types. (See next page for an explanation of lighter shading.)

- A. Developments less than 5 acres in size - No housing or building type variation requirements, although variations are encouraged.
- B. Developments 5-10 acres in size - At least two housing or building types required. Each required housing or building type shall be at least 20 percent of the total units.
- C. Developments greater than 10 acres in size - At least three housing or building types required. Each required housing or building type shall be at least 20 percent of the total units.

**For RS-12, RS-12(U), RS-20, and MUR zones:** Lighter shading indicates permitted housing and building types. Dark shading indicates "Option B" discussed below.

- A. Developments less than 5 acres in size - No housing or building type variation requirements, although variations are encouraged.
- B. Developments 5-10 acres in size - Comply with Option A or Option B below:

Option A

At least two housing or building types  
required (from lightly shaded choices)

Each required housing or building type  
shall be at least 20 percent of the total units.

Option B

Comply with both apartment building and  
bedroom requirements in darkly shaded  
areas.

- C. Developments greater than 10 acres in size: Comply with Option A or Option B below:

Option A

At least three housing or building types  
required (from lightly shaded choices) areas.

Each required housing or building type  
shall be at least 20 percent of the total units.

Option B

Comply with both apartment building and  
bedroom requirements in darkly shaded  
areas.

Additionally, add a second housing or  
building type (from lightly shaded  
choices) that is at least 20 percent of the  
total units.